



State of New Jersey
THE PINELANDS COMMISSION
PO Box 7
New Lisbon NJ 08064
(609) 894-7300

950392-PINR2

JAMES E. MCGREEVEY
Governor

JOHN C. STOKES
Executive Director

June 25, 2003

New Jersey Department of Transportation
Attn: Nick Caiazza, Project Manager
1035 Parkway Avenue
P.O. Box 600
Trenton, New Jersey 08625

RE: Authorization for Freshwater Wetlands Statewide General Permit, Water Quality Certification

Applicant Name: New Jersey Department of Transportation

DEP File No: 0609-03-0001.1

Pinelands Commission App. No. 02-0594.02

General Permit No.: 18

Statute: N.J.S.A. 13:9B-1 *et. seq.*

Effective Date: June 24, 2003; Expiration Date: June 24, 2008

Maurice River Township, Cumberland County

Block: 116 and 120, Lots 11, 39 and 2,5

Cumberland Pond Dam

Maurice River Watershed; Delaware River

Nearest Waterway: Manumuskin River

PROJECT MANAGEMENT
RECEIVED

JUN 27 2003

Dear Mr. Caiazza:

Pursuant to a Memorandum of Agreement between the New Jersey Pinelands Commission and the New Jersey Department of Environmental Protection, the Pinelands Commission has reviewed the above-referenced application for a Freshwater Wetlands Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. **The proposed activity is authorized by Freshwater Wetlands Statewide General Permit 18** which allows the repair, rehabilitation, replacement or reconstruction as required by the Dam Safety Standards, of any previously authorized currently serviceable dam structures.

Limit of Authorized Disturbance

This authorization is based on the Wetlands Permit Plans for Cumberland Pond Dam, consisting of 2 sheets, prepared by Taylor-Wiseman-Taylor, both sheets revised January 24, 2003.

<http://www.state.nj.us/pinelands/>

E-mail: Info@njpinelands.state.nj.gov

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Based on this plan, the authorized activity involves the total disturbance of 0.0956 acres of wetlands and or State open waters for the reconstruction of an existing earthen dam. Any additional disturbance of freshwater wetlands or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.).

Special Conditions

1. All disturbed areas shall be stabilized in accordance with the standards for soil erosion and sediment control.
2. The applicant shall utilize only suitable, clean, non-toxic fill material.
3. The normal water level of Cumberland Pond shall be maintained throughout construction.
4. The proposed development shall adhere to all conditions of the Dam Safety Permit.
5. The proposed development shall adhere to the management practices referenced in the May 8, 2003 letter from the United States Department of the Interior, Fish and Wildlife Service. The United States Department of the Interior, Fish and Wildlife Service, may amend the management practices referenced in the May 8, 2003 letter. If these management practices are amended, the applicant must either secure a written determination from the Pinelands Commission that any such amended management practices are consistent with the General Permit or obtain an Amended General Permit.
6. The proposed development shall adhere to all conditions of the Pinelands Commission's approval of the project (App. No. 02-0594.01).

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General Conditions

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with the "Standards for Soil Erosion and Sediment Control in New Jersey" (obtainable from local Soil Conservation District Offices), or equal engineering

specifications, to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.

2. This permit is revocable, or subject to modification or change at any time, when in the judgment of the Department of Environmental Protection of the State of New Jersey, such revocation, modification or change shall be necessary.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department or the Commission on any further application.
4. The activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
5. No change in plans or specifications shall be made except with the prior written permission of the Commission.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Commission, the Department or the State a party in any suit or question of ownership of the property.
7. This authorization is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
8. A copy of this authorization shall be kept at the work site and shall be exhibited upon request of any person.

Water Quality Certificate

This letter of authorization to conduct a regulated activity in a wetland or open water includes the approval of a Water Quality Certificate for these activities from the Department's Land Use Regulation Program.

Duration of Authorization/Notification of Work

This authorization for a Statewide General Permit is valid for a term not to exceed five years from the date of this letter. If the term of the authorization exceeds the expiration date of the general permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new GP authorization or an Individual permit.

The permittee shall allow an authorized Program representative the right to inspect the construction site. The permittee will notify, in writing, the Office of Enforcement Policy, Land Use

Enforcement, 1510 Hooper Avenue, Toms River, New Jersey 08753, and the Pinelands Commission, P.O. Box 7, New Lisbon, NJ 08064, 7 days prior to commencement of work authorized by this letter.

Appeal of Decision

The applicant or other affected party, if aggrieved by this decision to authorize the activities specified in this correspondence, may request a hearing on this decision by submitting a written request for an administrative hearing within 30 days of the date of this decision to:

Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
Department of Environmental Protection and Energy
401 East State St.
P.O. Box 402
Trenton, NJ 08625-0402

This written request must include a completed copy of the attached Administrative Hearing Request Checklist and all information identified in Section III of that list. A copy of the request should be forwarded to the Pinelands Commission, P.O. Box 7, New Lisbon, NJ 08064.

If you have any questions regarding this Freshwater Wetlands Statewide General Permit authorization, please contact Karen Young of our staff at (609) 894-7300. Please reference the permit number in any communication concerning this action.

Sincerely,



Charles M. Horner, P.P.
Director of Regulatory Programs

KS\KY

cc: Maurice River Township Clerk
Maurice River Township Planning Board
Secretary, Cumberland County Planning Board
Mary Vickers, NJDEP Land Use Regulation Program
Gary L. Johnson, Taylor, Wiseman, Taylor
Bill Romaine, Amy S. Green Environmental Consultants, Inc.
Mary Horner
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James E. McGreevey
Governor



State of New Jersey
Department of Environmental Protection
Land Use Regulation
P.O. Box 439
Trenton, New Jersey 08625-0439

Bradley M. Campbell
Commissioner

RE: Authorization pursuant to: N.J.A.C. 7:7A-9.2(a)1-25

Statutory Authority: The Freshwater Wetlands Protection Act
N.J.S.A. 13:9B-1 et seq.

Dear Sir/Madam:

Enclosed, please find an authorization to conduct regulated activities under one or more Statewide General Permits. Please review this authorization and carefully note any conditions which may have been imposed. This authorization is valid for five years and the terms of the authorization are detailed within the document.

Any interested person who considers himself or herself aggrieved by this decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection, P.O. Box 402, Trenton, New Jersey 08625-0402, Attention: Adjudicatory Hearing Officer.

This written request must include a completed copy of the attached Administrative Hearing Request Checklist and all information identified in Section III of that list.

In order to promote inter-governmental cooperation in the management of our natural resources, a copy of this decision shall be shared with appropriate local and federal agencies. If you have any questions regarding the enclosed authorization, please contact The Pinelands Commission at (609) 894-7300.

Sincerely,

Mark N. Mauriello
Director

w/enclosures

Authorization
Hearing Request Checklist

c: Municipal Clerk
Municipal Planning Board
County Planning Board
NJDEP, Regional Supervisor